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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,177	01/12/2001	Franz Amtmann	AT 000001	9986
24737	7590	01/07/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS				FAN, CHIEH M
P.O. BOX 3001				
BRIARCLIFF MANOR, NY 10510				
		ART UNIT		PAPER NUMBER
		2634		

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/759,177	AMTMANN, FRANZ	
	Examiner	Art Unit	
	Chieh M Fan	2634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 September 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 and 5 is/are rejected.
- 7) Claim(s) 2-4 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 September 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The amendment to the drawings filed 9/10/2004 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. Therefore, the drawings objection stated in the previous Office Action is maintained. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The substitute specification filed 9/10/2004 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: a clean copy of the substitute specification has not been supplied (in addition to the marked-up copy). The specification is still objected to.

Claim Objections

3. Claim 5 is objected to because of the following informalities: "one further transmission coil (L2)" in line 2 should be changed to --- one second transmission coil (L2) ---. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Trontelj (U.S. Patent No. 6,208,235).

Regarding claim 1, Trontelj teaches a data carrier (12 in Fig. 1, claim 1) configured to communicate with a communication station (10 in Fig. 1) with the aid of a carrier signal having a given carrier signal frequency and which includes a receiving-means configuration for receiving the carrier signal, which receiving-means configuration has the following elements, namely a switching means (34 in Fig. 1), which is switchable between a conductive switching state and a nonconductive switching state, and

a first transmission coil (Lc in Fig. 1) that can be short-circuited with the aid of the switching means, through which first transmission coil a coil current flows during a communication process with a communication station, during which process the switching means is in its conductive switching state, which coil current has a phase lag with respect to the voltage across the first transmission coil (col. 7, line 45), and

a capacitor configuration (24 in Fig. 1) arranged in parallel with at least one second transmission coil (Lr in Fig. 1), the presence of said capacitor configuration causing a coil current through the second transmission coil during a communication process with a communication station, during which process the switching means is in its conductive switching state, which coil current has a phase lead with respect to the voltage across the second transmission coil (col. 7, line 37),

characterized in that the receiving means configuration is configured to be controllable as regards the value of at least one of its elements comprising the at least

one second transmission coil and the capacitor configuration through a switching configuration (34 in Fig. 1).

Regarding claim 5, Trontelj teaches that the capacitor configuration (24 in Fig. 1) is only arranged in parallel with the at least one second transmission coil (Lr in Fig. 1) and is consequently disposed in series with the first transmission coil (Lc in Fig. 1).

Response to Arguments

6. Applicant's arguments filed 9/10/2004 with respect to claim rejections under 35 USC § 102 have been fully considered but they are not persuasive.

a. The applicant argues that Trontelj does not teach the limitation "a capacitor configuration (CC) arranged in parallel with at least one second transmission coil (L2)" because Trontelj teaches that the coil 22 is electrically connected with a capacitive element or resonant capacitor 24 in series loop.

Examiner's response --- As shown in Fig. 1 of Trontelj, the coil 22 and the capacitor 24 are connected to the same pair of nodes ANT and GND (note that Trontelj teaches that the circuit 20 is formed by the combination of a single inductive element 22 electrically connected with a capacitive element 24; see col. 4, lines 42-43; the resistor 26 is shown in the figure merely to represent an equivalent series resistance of the inductor 22 due to power losses; see col. 4, lines 61-63). When two elements are connected to the same pair of nodes, they are connected in parallel. Therefore, Trontelj

clearly teaches a capacitor configuration (i.e., the capacitor 24) arranged in parallel with at least one second transmission coil (i.e., the coil 22).

b. The applicant also argues that Trontelj does not teach controlling the value of one of the elements of the receiving means configuration as recited in claim 1.

Examiner's response --- As shown in the Fig. 2 of the present application, the so-called "controlling the value of the second coil (L2)" is nothing but controlling ON/OFF of the switch S. Since Trontelj also teaches such switching configuration (34 in Fig. 1), Trontelj at least teaches "controlling the value of the second transmission coil through a switching configuration. The claimed limitation is met.

Allowable Subject Matter

7. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chieh M Fan whose telephone number is (571) 272-3042. The examiner can normally be reached on Monday-Friday 8:00AM-5:30PM, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571) 272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Chieh M Fan

Chieh M Fan
Primary Examiner
Art Unit 2634

December 28, 2004